

FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB661 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Charles McCall

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 FLOOR SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL NO. 661

By: Pugh of the Senate

and

McCall of the House

6
7
8
9 FLOOR SUBSTITUTE

10 An Act relating to the Oklahoma Open Meeting Act;
11 amending 25 O.S. 2011, Sections 304, as amended by
12 Section 3, Chapter 81, O.S.L. 2019, 306, 307.1, as
13 amended by Section 1, Chapter 119, O.S.L. 2019 and
14 311, as last amended by Section 1, Chapter 376,
15 O.S.L. 2019 (25 O.S. Supp. 2019, Sections 304, 307.1
16 and 311), which relate to open meetings; modifying
17 definitions; modifying citation reference; requiring
18 recording of certain public meetings; providing for
19 meeting by teleconference or videoconference;
20 prescribing conditions related thereto; prescribing
21 requirements for certain meeting notices; prohibiting
22 certain actions after release of meeting notices;
23 authorizing certain actions; prescribing voting
24 procedures; authorizing executive sessions by certain
methods; prescribing procedures for conduct of
executive sessions; providing exception for
procedures related to meeting notices; and declaring
an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1 SECTION 1. AMENDATORY 25 O.S. 2011, Section 304, as
2 amended by Section 3, Chapter 81, O.S.L. 2019 (25 O.S. Supp. 2019,
3 Section 304), is amended to read as follows:

4 Section 304. As used in the Oklahoma Open Meeting Act:

5 1. "Public body" means the governing bodies of all
6 municipalities located within this state, boards of county
7 commissioners of the counties in this state, boards of public and
8 higher education in this state and all boards, bureaus, commissions,
9 agencies, trusteeships, authorities, councils, committees, public
10 trusts or any entity created by a public trust, including any
11 committee or subcommittee composed of any of the members of a public
12 trust or other legal entity receiving funds from the Rural Economic
13 Action Plan Fund as authorized by Section 2007 of Title 62 of the
14 Oklahoma Statutes, task forces or study groups in this state
15 supported in whole or in part by public funds or entrusted with the
16 expending of public funds, or administering public property, and
17 shall include all committees or subcommittees of any public body.
18 Public body shall not include the state judiciary, the Council on
19 Judicial Complaints when conducting, discussing, or deliberating any
20 matter relating to a complaint received or filed with the Council,
21 the Legislature, or administrative staffs of public bodies,
22 including, but not limited to, faculty meetings and athletic staff
23 meetings of institutions of higher education when those staffs are
24 not meeting with the public body, or entry-year assistance

1 committees. Furthermore, public body shall not include the
2 multidisciplinary teams provided for in Section 1-9-102 of Title 10A
3 of the Oklahoma Statutes and subsection C of Section 1-502.2 of
4 Title 63 of the Oklahoma Statutes or any school board meeting for
5 the sole purpose of considering recommendations of a
6 multidisciplinary team and deciding the placement of any child who
7 is the subject of the recommendations. Furthermore, public body
8 shall not include meetings conducted by stewards designated by the
9 Oklahoma Horse Racing Commission pursuant to Section 203.4 of Title
10 3A of the Oklahoma Statutes when the stewards are officiating at
11 races or otherwise enforcing rules of the Commission;

12 2. "Meeting" means the conduct of business of a public body by
13 a majority of its members being personally together or, as
14 authorized by Section 307.1 of this title, together pursuant to a
15 videoconference. Meeting shall not include informal gatherings of a
16 majority of the members of the public body when no business of the
17 public body is discussed;

18 3. "Regularly scheduled meeting" means a meeting at which the
19 regular business of the public body is conducted;

20 4. "Special meeting" means any meeting of a public body other
21 than a regularly scheduled meeting or emergency meeting;

22 5. "Emergency meeting" means any meeting called for the purpose
23 of dealing with an emergency. For purposes of the Oklahoma Open
24 Meeting Act, an emergency is defined as a situation involving injury

1 to persons or injury and damage to public or personal property or
2 immediate financial loss when the time requirements for public
3 notice of a special meeting would make such procedure impractical
4 and increase the likelihood of injury or damage or immediate
5 financial loss;

6 6. "Continued or reconvened meeting" means a meeting which is
7 assembled for the purpose of finishing business appearing on an
8 agenda of a previous meeting. For the purposes of the Oklahoma Open
9 Meeting Act, only matters on the agenda of the previous meeting at
10 which the announcement of the continuance is made may be discussed
11 at a continued or reconvened meeting; ~~and~~

12 7. "Videoconference" means a conference among members of a
13 public body remote from one another who are linked by interactive
14 telecommunication devices or technology and/or technology permitting
15 both visual and auditory communication between and among members of
16 the public body and/or between and among members of the public body
17 and members of the public. During any videoconference, both the
18 visual and auditory communications functions ~~of the device~~ shall be
19 utilized. ~~Whenever the term "teleconference" appears in any law in~~
20 ~~relation to a meeting of a public body, it shall be deemed to mean a~~
21 ~~videoconference as defined in this paragraph; and~~

22 8. "Teleconference" means a conference among members of a
23 public body remote from one another who are linked by
24 telecommunication devices and/or technology permitting auditory

1 communication between and among members of the public body and/or
2 between and among members of the public body and members of the
3 public.

4 SECTION 2. AMENDATORY 25 O.S. 2011, Section 306, is
5 amended to read as follows:

6 Section 306. No informal gatherings or any electronic or
7 telephonic communications, except teleconferences or
8 videoconferences as authorized by Section ~~3~~ 307.1 of this ~~act~~ Title,
9 among a majority of the members of a public body shall be used to
10 decide any action or to take any vote on any matter.

11 SECTION 3. AMENDATORY 25 O.S. 2011, Section 307.1, as
12 amended by Section 1, Chapter 119, O.S.L. 2019 (25 O.S. Supp. 2019,
13 Section 307.1), is amended to read as follows:

14 Section 307.1 A. ~~A~~ Except as provided in subsections C and D
15 of this section, a public body may hold meetings by videoconference
16 where each member of the public body is visible and audible to each
17 other and the public through a video monitor, subject to the
18 following:

- 19 1. a. except as provided for in subparagraph b of this
20 paragraph, no less than a quorum of the public body
21 shall be present in person at the meeting site as
22 posted on the meeting notice and agenda,
- 23 b. a virtual charter school approved and sponsored by the
24 Statewide Virtual Charter School Board pursuant to the

1 provisions of Section 3-145.3 of Title 70 of the
2 Oklahoma Statutes shall maintain a quorum of members
3 for the entire duration of the meeting whether using
4 an in-person site, videoconference sites or any
5 combination of such sites to achieve a quorum; and

6 c. each public meeting held by videoconference or
7 teleconference shall be recorded.

8 2. The meeting notice and agenda prepared in advance of the
9 meeting, as required by law, shall indicate if the meeting will
10 include videoconferencing locations and shall state:

11 a. the location, address, and telephone number of each
12 available videoconference site, and

13 b. the identity of each member of the public body and the
14 specific site from which each member of the body shall
15 be physically present and participating in the
16 meeting;

17 3. After the meeting notice and agenda are prepared and posted,
18 as required by law, no member of the public body shall be allowed to
19 participate in the meeting from any location other than the specific
20 location posted on the agenda in advance of the meeting;

21 4. In order to allow the public the maximum opportunity to
22 attend and observe each public official carrying out the duties of
23 the public official, a member or members of a public body desiring
24 to participate in a meeting by videoconference shall participate in

1 the videoconference from a site and room located within the district
2 or political subdivision from which they are elected, appointed, or
3 are sworn to represent;

4 5. Each site and room where a member of the public body is
5 present for a meeting by videoconference shall be open and
6 accessible to the public, and the public shall be allowed into that
7 site and room. Public bodies may provide additional videoconference
8 sites as a convenience to the public, but additional sites shall not
9 be used to exclude or discourage public attendance at any
10 videoconference site;

11 6. The public shall be allowed to participate and speak, as
12 allowed by rule or policy set by the public body, in a meeting at
13 the videoconference site in the same manner and to the same extent
14 as the public is allowed to participate or speak at the site of the
15 meeting;

16 7. Any materials shared electronically between members of the
17 public body, before or during the videoconference, shall also be
18 immediately available to the public in the same form and manner as
19 shared with members of the public body; and

20 8. All votes occurring during any meeting conducted using
21 videoconferencing shall occur and be recorded by roll call vote.

22 B. No public body shall conduct an executive session by
23 videoconference.

24

1 C. Upon the effective date of this act and until September 30,
2 2020, the provisions of this subsection and subsection D shall
3 operate as law in this state.

4 1. A public body may hold meetings by teleconference or
5 videoconference if each member of the public body is audible or
6 visible to each other and the public, subject to the following:

- 7 a. for a virtual charter school approved and sponsored by
8 the Statewide Virtual Charter School Board pursuant to
9 the provisions of the Oklahoma Statutes, the public
10 body shall maintain a quorum of members for the entire
11 duration of the meeting whether using an in-person
12 site, teleconference, or videoconference or any
13 combination of such sites to achieve a quorum, and
14 b. if the meeting is held using either teleconference or
15 videoconference capabilities, and at any time the
16 audio connection is disconnected, the meeting shall be
17 stopped and reconvened once the audio connection is
18 restored;

19 2. The meeting notice and agenda prepared in advance of the
20 meeting, as required by law, shall indicate if the meeting will
21 include teleconferencing or videoconferencing and shall also state:

- 22 a. each public body member appearing remotely and the
23 method of each member's remote appearance, and
24

1 b. the identity of the public body member or members who
2 will be physically present at the meeting site, if
3 any;

4 3. After the meeting notice and agenda are prepared and posted
5 as required by law, public body members shall not be permitted to
6 alter their method of attendance; provided, however, those members
7 who were identified as appearing remotely may be permitted to
8 physically appear at the meeting site, if any, for the meeting;

9 4. The public body shall be allowed to participate and speak, as
10 allowed by rule or policy set by the public body, in a meeting which
11 utilizes teleconference or videoconference in the same manner and to
12 the same extent as the public is allowed to participate or speak
13 during a meeting where all public body members are physically
14 present together at the meeting site;

15 5. Any materials shared electronically between members of the
16 public body during a meeting utilizing teleconferencing or
17 videoconferencing shall also be immediately available to the public
18 in the same form as shared with the members of the public body; and

19 6. All votes occurring during any meeting utilizing
20 teleconference or videoconference shall occur and be recorded by
21 roll call votes.

22 D. Public bodies are permitted to conduct an executive session
23 by teleconference or videoconference. For such executive sessions,
24 no public body member is required to be physically present so long

1 as each public body member is audible or visible to each other. The
2 meeting notice and agenda prepared in advance of the meeting as
3 required by law shall indicate if the executive session will include
4 teleconferencing or videoconferencing and shall also state the
5 identity of each public body member appearing remotely, the method
6 of each member's remote appearance, and whether any member will be
7 physically present at the meeting site, if any, for the executive
8 session.

9 SECTION 4. AMENDATORY 25 O.S. 2011, Section 311, as last
10 amended by Section 1, Chapter 376, O.S.L. 2019 (25 O.S. Supp. 2019,
11 Section 311), is amended to read as follows:

12 Section 311. A. Notwithstanding any other provisions of law,
13 all regularly scheduled, continued or reconvened, special or
14 emergency meetings of public bodies shall be preceded by public
15 notice as follows:

16 1. All public bodies shall give notice in writing by December
17 15 of each calendar year of the schedule showing the date, time and
18 place of the regularly scheduled meetings of such public bodies for
19 the following calendar year;

20 2. All state public bodies, including, but not limited to,
21 public trusts and other bodies with the state as beneficiary, shall
22 give such notice to the Secretary of State;

23 3. All county public bodies including, but not limited to,
24 public trusts and any other bodies with the county as beneficiary,

1 shall give such notice to the county clerk of the county wherein
2 they are principally located;

3 4. All municipal public bodies, including, but not limited to,
4 public trusts and any other bodies with the municipality as
5 beneficiary, shall give such notice to the municipal clerk of the
6 municipality wherein they are principally located;

7 5. All multicounty, regional, areawide or district public
8 bodies including, but not limited to, district boards of education,
9 shall give such notice to the county clerk of the county wherein
10 they are principally located, or if no office exists, to the county
11 clerk of the county or counties served by such public body;

12 6. All governing boards of state institutions of higher
13 education, and committees and subcommittees thereof, shall give such
14 notice to the Secretary of State. All other public bodies covered
15 by the provisions of the Oklahoma Open Meeting Act which exist under
16 the auspices of a state institution of higher education, but a
17 majority of whose members are not members of the institution's
18 governing board, shall give such notice to the county clerk of the
19 county wherein the institution is principally located;

20 7. The Secretary of State and each county clerk or municipal
21 clerk shall keep a record of all notices received in a register open
22 to the public for inspection during regular office hours, and, in
23 addition, shall make known upon any request of any person the
24 contents of the register;

1 8. If any change is to be made of the date, time or place of
2 regularly scheduled meetings of public bodies, then notice in
3 writing shall be given to the Secretary of State or county clerk or
4 municipal clerk, as required herein, not less than ten (10) days
5 prior to the implementation of any such change;

6 9. In addition to the advance public notice in writing required
7 to be filed for regularly scheduled meetings, described in paragraph
8 1 of this subsection, all public bodies shall, at least twenty-four
9 (24) hours prior to such regularly scheduled meetings, display
10 public notice of the meeting by at least one of the following
11 methods:

- 12 a. by posting information that includes date, time, place
13 and agenda for the meeting in prominent public view at
14 the principal office of the public body or at the
15 location of the meeting if no office exists, or
- 16 b. by posting on the public body's Internet website the
17 date, time, place and agenda for the meeting in
18 accordance with Section 3106.2 of Title 74 of the
19 Oklahoma Statutes. Additionally, the public body
20 shall offer and consistently maintain an email
21 distribution system for distribution of such notice of
22 a public meeting required by this subsection, and any
23 person may request to be included without charge, and
24 their request shall be accepted. The emailed notice

1 of a public meeting required by this subsection shall
2 include in the body of the email or as an attachment
3 to the email the date, time, place and agenda for the
4 meeting and it shall be sent no less than twenty-four
5 (24) hours prior to the meeting. Additionally, except
6 as provided in subparagraph c of this paragraph, the
7 public body shall make the notice of a public meeting
8 required by this subsection available to the public in
9 the principal office of the public body or at the
10 location of the meeting during normal business hours
11 at least twenty-four (24) hours prior to the meeting,
12 or

13 c. upon the effective date of this act and until
14 September 30, 2020, the public body shall not be
15 required to make the notice of a public meeting
16 available to the public in the principal office of the
17 public body or at the location of the meeting during
18 normal business hours at least twenty-four (24) hours
19 prior to the meeting;

20 10. The twenty-four (24) hours required in paragraph 9 of this
21 subsection shall exclude Saturdays, Sundays and holidays legally
22 declared by the State of Oklahoma. The posting or distribution of a
23 notice of a public meeting as described in paragraph 9 of this
24 subsection shall not preclude a public body from considering at its

1 regularly scheduled meeting any new business. "New business", as
2 used herein, shall mean any matter not known about or which could
3 not have been reasonably foreseen prior to the time of the posting;

4 11. In the event any meeting is to be continued or reconvened,
5 public notice of such action including date, time and place of the
6 continued meeting, shall be given by announcement at the original
7 meeting. Only matters appearing on the agenda of the meeting which
8 is continued may be discussed at the continued or reconvened
9 meeting;

10 12. Special meetings of public bodies shall not be held without
11 public notice being given at least forty-eight (48) hours prior to
12 the meetings. Such public notice of date, time and place shall be
13 given in writing, in person or by telephonic means to the Secretary
14 of State or to the county clerk or to the municipal clerk by public
15 bodies in the manner set forth in paragraphs 2, 3, 4, 5 and 6 of
16 this subsection. The public body also shall cause written notice of
17 the date, time and place of the meeting to be mailed or delivered to
18 each person, newspaper, wire service, radio station and television
19 station that has filed a written request for notice of meetings of
20 the public body with the clerk or secretary of the public body or
21 with some other person designated by the public body. Such written
22 notice shall be mailed or delivered at least forty-eight (48) hours
23 prior to the special meeting. The public body may charge a fee of
24 up to Eighteen Dollars (\$18.00) per year to persons or entities

1 filing a written request for notice of meetings, and may require
2 such persons or entities to renew the request for notice annually.
3 In addition, all public bodies shall, at least twenty-four (24)
4 hours prior to such special meetings, display public notice of the
5 meeting, setting forth thereon the date, time, place and agenda for
6 the meeting. Only matters appearing on the posted agenda may be
7 considered at the special meeting. Such public notice shall be
8 posted in prominent public view at the principal office of the
9 public body or at the location of the meeting if no office exists.
10 Twenty-four (24) hours prior public posting shall exclude Saturdays,
11 Sundays and holidays legally declared by the State of Oklahoma. In
12 lieu of the public posting requirements of this paragraph, a public
13 body may elect to follow the requirements found in subparagraph b of
14 paragraph 9 of this subsection, provided that forty-eight-hour
15 notice is required for special meetings and that the forty-eight-
16 hour requirement shall exclude Saturdays, Sundays and holidays
17 legally declared by the State of Oklahoma; and

18 13. In the event of an emergency, an emergency meeting of a
19 public body may be held without the public notice heretofore
20 required. Should an emergency meeting of a public body be
21 necessary, the person calling such a meeting shall give as much
22 advance public notice as is reasonable and possible under the
23 circumstances existing, in person or by telephonic or electronic
24 means.

1 B. 1. All agendas required pursuant to the provisions of this
2 section shall identify all items of business to be transacted by a
3 public body at a meeting including, but not limited to, any proposed
4 executive session for the purpose of engaging in deliberations or
5 rendering a final or intermediate decision in an individual
6 proceeding prescribed by the Administrative Procedures Act.

7 2. If a public body proposes to conduct an executive session,
8 the agenda shall:

- 9 a. contain sufficient information for the public to
10 ascertain that an executive session will be proposed,
- 11 b. identify the items of business and purposes of the
12 executive session, and
- 13 c. state specifically the provision of Section 307 of
14 this title authorizing the executive session.

15 SECTION 5. It being immediately necessary for the preservation
16 of the public peace, health or safety, an emergency is hereby
17 declared to exist, by reason whereof this act shall take effect and
18 be in full force from and after its passage and approval.

19
20
21
22
23
24